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09/661,589	09/14/2000	Blake Earl Hayward	P3953	9165

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EXAMINER	
BRUCKART, BENJAMIN R	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/661,589	HAYWARD, BLAKE EARL	
	Examiner	Art Unit	
	Benjamin R Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Status of Claims:

Claims 1-28 are pending in this Office Action.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicant's amendments.

Claims 1-4, 6-11, 15-21, 23-26 remain rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,740,361 by Brown in view of U.S. Patent No. 5,966,386 by Maegawa.

Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,740,361 by Brown in view of U.S. Patent No. 5,966,386 by Maegawa in further view of U.S. Patent No 6,058,378 by Clark et al.

Claims 12-14, 27-28 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,740,361 by Brown in view of U.S. Patent No. 5,966,386 by Maegawa in further view of U.S. Patent No. 5,978,495 by Thomopoulos et al.

Response to Arguments

Applicant's arguments filed on 7/21/2004 have been fully considered but they are not persuasive. See the arguments below.

Applicant's invention as claimed:

Claims 1-11, 15-26 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,740,361 by Brown in view of U.S. Patent No. 5,966,386 by Maegawa.

Regarding claim 1,

The Brown reference teaches a network based system for providing online verification of the identity of users applying for third-party services available through the network comprising: (Brown: Abstract; col. 1, lines 6-12)

a first server node connected to the network for offering application to third-party services through the network; (Brown: col. 4, lines 51-52; the "service")

a user node connected the network for accessing the first server node in and applying for third-party services; (Brown: col. 4, lines 51-52; the "user")

a second server node connected to the network and accessible from the first server node, the second server node for processing user identity verification requests communicated from the first server node; (Brown: col. 4, lines 50-58; the "authentication deity")

a data repository accessible at least to the second server node for storing data about users for whom identity is to be verified (Brown: col. 4, lines 50-58; the "authentication deity"), characterized in that a user operating the user node accesses the first server node and applies for a service or services offered through the first server node and submits data for user identity verification (Brown: col. 4, lines 51-58; the "authentication deity"), the first server node sending the data in the form of a user identity verification request to the second server node (Brown: col. 4, lines 54 and 55) containing a portion of the submitted data including at least user login data required (Brown: col. 6, lines 53 and 54; 65-67) to enter or access at least one target site specified in the request (Brown: col. 6, lines 53-65; requested target site is the realm), utilizing the user login data to enter the target site (Brown: col. 6, lines 66 – col. 7 line 9), reporting the results back to the first server for user identity verification purposes (Brown: col. 6, lines 1-5)

The Brown reference does not explicitly disclose navigating on the network by proxy.

The Maegawa reference teaches a third server node connected to the network (Maegawa: col. 9, line 32; navigation interpreter and searcher) and accessible from the second server node (Maegawa: col. 10, lines 1-11; mediator node), the third server node for navigating on the network by proxy according to navigation requests communicated from the second server node; and (Maegawa: col. 13, lines 44-47; col. 9, lines 1-37)

the second server node creating a navigation request (Maegawa: col. 11, lines 60-67; relay the request) to enter or access at least one target site specified in the request (Maegawa: col. 11, lines 64-66; service organizer), and sending the navigation request to the third server (Maegawa: col. 9, lines 1-6: navigation interpreter and searcher), the third server performing the navigation according to the request (Maegawa: col. 9, lines 1-6), utilizing the user login data to enter the target site (Maegawa: col. 9, lines 19-37; authenticate), and reporting navigation results back to the second server (Maegawa: col. 14, lines 57-col. 15, line 7).

The Maegawa reference further teaches the system overcomes prior art problems by using nodes to operate in a cooperative and coordinated manner sharing hardware resources (Maegawa: col. 2, lines 1-14).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the network based system for providing online verification of users applying for third-party services available as taught by Brown while employing a third server node that navigates by proxy as taught by Maegawa in order to overcome prior art problems by using nodes to operate in a cooperative and coordinated manner sharing hardware resources (Maegawa: col. 2, lines 1-14).

Claims 2-11 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Brown and Maegawa.

Regarding claim 2, the network-based system of claim 1, wherein the network is a data--packet-network (Brown: col. 1, lines 50-54).

Regarding claim 3, the network-based system of claim 2, wherein the data-packet-network is the Internet network (Brown: col. 1, lines 13-18).

Regarding claim 4, the network-based system of claim 3, wherein the second and third server nodes are hosted by a same service provider. (Brown: col. 2, lines 14-31; col. 4, 59-65)

Regarding claim 6, the network-based system of claim 4, wherein the user node is a personal computer having access to the network (Brown: col. 6, lines 26-33)

Regarding claim 7, the network-based system of claim 4, wherein the user node is a wireless Internet-capable appliance. (Brown: col. 1, lines 54-62)

Regarding claim 8, the network-based system of claim 4, wherein the user node is a telephone. (Brown: col. 1, lines 54-62)

Regarding claim 9, the network-based system of claim 6, wherein application for third-party services is accomplished by populating a software-driven, electronic interface. (Brown: col. 8, lines 29-44)

Regarding claim 10, the network-based system of claim 9, wherein the interface is an electronic form on a web page. (Brown: col. 3, lines 59-65)

Regarding claim 11, the network-based system of claim 10, wherein a portion of the user login data submitted for verification comprises at least one user name and password set to for accessing a user-held online reference account. (Brown: col. 4, lines 59-65; col. 2, lines 33-44)

Regarding claim 15,

The Brown reference teaches a method for online verification of the identity of a user applying for third-party services available from a Web site on a data-packet-network comprising steps of (Brown: Abstract; col. 1, lines 6-12)

(a) the user interacting with the Web site offering user identity the third-party services, the interaction comprising the population and submission of an electronic form for online verification purposes; (Brown: col. 4, lines 51-54; col. 3, lines 61-63)

(b) the online application form routed to a Web site offering the user identity verification service, the Web site creating a temporary user profile and a navigation request from the data submitted in the form (Brown: col. 4, lines 52-58; the "authentication deity"; the navigation request is the realm of requested access), the navigation request including at least user login data required (Brown: col. 6, lines 53 and 54; 65-67) to enter or access at least one target site specified in the request (Brown: col. 6, lines 53-65; realms).

(e) the verification site sending a verification recommendation back to the site offering the third party services. (Brown: col. 5, lines 56-59)

Brown reference does not explicitly disclose navigating on the network by proxy.

The Maegawa reference teaches (c) the navigation request routed to navigation system (Maegawa: col. 11, 58-67), the system performing the proxy navigation sequence (Maegawa: col. 9, lines 1-6) according to the request by utilizing the user login data to enter or access the site (Maegawa: col. 9, lines 1-37)

(d) the navigation system reporting the results of the automated navigation sequence back to the verification site; and (Maegawa: col. 14, lines 57- col. 15, line 7)

The Maegawa reference further teaches the system overcomes prior art problems by using nodes to operate in a cooperative and coordinated manner sharing hardware resources (Maegawa: col. 2, lines 1-14).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the networked-based system for providing online verification of users applying for third-party services available as taught by Brown while employing a third server node that navigates by proxy as taught by Maegawa in order to overcome prior art problems by using nodes to operate in a cooperative and coordinated manner sharing hardware resources (Maegawa: col. 2, lines 1-14).

Claims 16-26 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Brown and Maegawa.

Regarding claim 16, the method of claim 15, wherein the data-packet-network is the Internet network. (Brown: col. 1, lines 13-18)

Regarding claim 17, the method of claim 16 wherein in step (a), the site is a third-party server accessed from an Internet-capable appliance operated by the user. (Brown: col. 6, lines 26-33; col. 1, lines 54-62)

Regarding claim 18, the method of claim 17 wherein in step (b), the site is a verification server hosted by a verification service provider. (Brown: col. 2, lines 14-31; col. 4, 59-65)

Regarding claim 19, the method of claim 18 wherein in step (b), the navigation request contains authentication data to at least one user-held online account. (Brown: col. 5, lines 56-59)

Regarding claim 20, the method of claim 19 wherein in step (c), the navigation system comprises a server hosted by the verification service provider. (Brown: col. 2, lines 14-31; col. 4, 59-65)

Regarding claim 21, the method of claim 19 wherein in step (c), the navigation system comprises a plurality of interconnected servers hosted by the verification service provider. (Brown: col. 3, lines 37-57)

Regarding claim 23, the method of claim 16 wherein in step (a), the site offering the third party services is accessed by the user operating a telephone. (Brown: col. 1, lines 54-56)

Regarding claim 24, the method of claim 20 wherein in step (a), electronic form is presented in a web page. (Brown: col. 3, lines 59-65)

Regarding claim 25, the method of claim 24 wherein in step (c), the data portion of the form enabling the proxy navigation sequence comprises at least one user-name and password set for logging into a user-held online account. (Brown: col. 4, lines 46-65; col. 2, lines 33-44)

Regarding claim 26, the method of claim 25 wherein in step (c), the user login data portion of the form enabling the proxy navigation sequence also includes at least one domain name (domain name is equated to be realm) and at least one URL address. (Brown: col. 2, lines 14-31; col. 4, 51-65; col. 10, lines 46-52)

Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,740,361 by Brown in view of U.S. Patent No. 5,966,386 by Maegawa in further view of U.S. Patent No 6,058,378 by Clark et al.

The Brown and Maegawa teach a system of authenticating and verifying users through an authentication deity.

The Brown and Maegawa references teach its uses for authenticating for service providers but does not explicitly state the use of the invention for financial services.

The Clark reference, teaches with regards to claim 5, teaches a network-based system of claim 1, wherein the third-party services are financial-management services. (Clark: col. 11, line 20-25; col. 2, lines 48-51; col. 3, lines 5-8)

with regards to claim 22, the method of claim 16, wherein in step (a), the third party services comprises proxy financial management services. (Clark: col. 11, line 20-25; col. 2, lines 48-51; col. 3, lines 5-8)

The Clark reference further teaches that having a method to make a given transaction or inquiry, independent of the geographic region and type of inquiry would make global banking more attractive to many customers. (Clark: col. 2, lines 18-24)

Therefore it would have been obvious at the time of the invention to create a system of verification and authentication for services by Brown and incorporate a global financial service as taught by Clark in order to make a given transaction or inquiry, independent of the geographic region and type of inquiry would make global banking more attractive to many customers. (Clark: col. 2, lines 18-24)

Claims 12-14, 27-28 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,740,361 by Brown in view of U.S. Patent No. 5,966,386 by Maegawa in further view of U.S. Patent No. 5,978,495 by Thomopoulos et al.

The Brown and Maegawa references teach a system of authenticating and verifying users through an authentication deity that relies solely on a username and password to grant access. The Brown reference lacks other forms of providing verification that are profile based and non-sensitive data.

Thomopoulos teaches, with regards to claim 12, the network-based system of claim 11, wherein non-sensitive data submitted for verification is compared against user profile data for verification purposes. (Thomopoulos: col. 4, lines 17-25; col. 5, lines 30-34)

Thomopoulos further teaches that the use of the real-time fingerprint recognition system for which the patent is filed, allows the invention to achieve negligible false acceptance probability and very low rejection rate. (Thomopoulos: col. 3, lines 16-28)

Therefore it would have been obvious at the time of the invention to create a system of verification and authentication with a username and password by Brown while incorporating other forms of identification like fingerprint scanning and PIN numbers as taught by Thomopoulos in order to allow the invention to achieve negligible false acceptance probability and very low rejection rate.

Claims 13, 14, 27 and 28 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Brown and Thomopoulos.

Regarding claim 13, the network-based system of claim 12, wherein the verification results are equated to a score using a scoring system. (Thomopoulos: col. 6, lines 5-9)

Regarding claim 14, the network-based system of claim 12, wherein the verification results are of the form of an approval or disapproval. (Thomopoulos: col. 6, lines 20-25)

Regarding claim 27, the method of claim 26 wherein in step (b), non-sensitive data submitted for verification is compared against user profile data for verification purposes. (Thomopoulos: col. 4, lines 17-25; col. 5, lines 30-34)

Regarding claim 28, the method of claim 26 wherein in step (d), navigation results are equated to a score at the verification site using a scoring system (Thomopoulos: col. 6, lines 5-9).

The Applicant Argues:

Applicant argues the Brown reference does not teach "navigating on the network on behalf of the user by proxy" and "verification of the actual identity of the requesting user."

In response, the examiner respectfully submits:

The examiner has presented Brown as not teaching "navigating on the network on behalf of the user by proxy" and that the limitation is taught by the Maegawa reference. The combination of Brown and Maegawa provide all the details in meeting the claim limitations. The Brown reference does teach verification of the actual identity of the requesting user. As taught in col. 4, lines 44-58, the authentication deity is for authenticating a server and a user. The remote passphrase authentication explicitly states

a user communicates with a service to learn and authenticate "the user's identity" (col. 4, line 50, 51). Further in support of this argument, Col 2, line 7 details authentication as "the way in which a user may prove his or her identity." See col. 2, lines 33-44 for more detail in which pass phrase is used to prove identity.

In conclusion, the Maegawa reference teaches navigation to a target Web site by proxy (Maegawa: col. 9, lines 1-6). Both Brown and Maegawa teach verifying user's identity, Brown teaches authentication deity and Maegawa teaches an authenticator which uses with digital signatures and encryption keys (Brown: col. 4, lines 46-58; Maegawa: col. 9, lines 19-37). The target web sites to be reached for service are illustrated and explicitly mentioned as requiring authentication in Brown: col. 4, lines 59-65.

Applicant argues the Maegawa reference does not teach "a third navigation server which accepts the navigation request from the requesting user and then logs into a target web site on behalf of a user, by proxy, for the purpose of verifying the identity of the user."

In response, the examiner respectfully submits:

The Maegawa reference covers the deficiencies of Brown. Maegawa reference teaches a third server (Maegawa: col. 9, lines 1-3; the navigation interpreter) that interprets a navigation request input from a mediator node (which relays to the user; col. 9, lines 65- col. 10, line 11). The navigation interpreter does output them to the searcher which in turn searches the server data base Fig. 2, tag 340 containing things like video data for the information server node to provide VOD service (Maegawa: col. 9, lines 47-56).

Applicant argues the absence of "navigation or logging into a Web site by proxy on behalf of the user for verifying the identity of the user."

In response, the examiner respectfully submits:

The Brown teaches authentication and logging in a Web site above as argued above. As far as navigation by proxy, Maegawa teaches the limitations mostly in col. 9 of the reference. Further the applicant is arguing in different words than he has claimed for 1

and 15. The user relays the request to the mediator node, which sends the request from the mediator node to the navigation interpreter and then to the searcher before coming back to the consumer. Perhaps if applicant further defines "navigating by proxy" would strengthen and detail the claim. Navigating is taken to be the act traveling, searching, or traversing a structure or document and proxy is authorized to act for another; an agent or substitute such as the navigation interpreter and searcher for the information server for the consumer.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
brb
August 31, 2004

BRB

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SUPERVISORY PATENT EXAMINER